

Remarks

This application has been carefully reviewed in light of the Final Office Action dated December 9, 2008. No amendments have been made. Claims 1, 2, 4-17, 19-22, 24-27, and 29 are currently pending. Further review and reconsideration is requested in light of the remarks below.

PRIOR ART

As stated in Applicant's response dated August 6, 2008, the Rajagopalan (US2003/0160514) and Welches et al. (US2004/0084965) references are not prior art. Neither Rajagopalan or Welches et al. are prior art under 35 U.S.C. §102(e). Applicant's invention was invented prior to the filing dates of both Rajagopalan and Welches et al. In addition, the Examiner has used U.S. Publication No. 2003/0229423 (Andarawis et al) and U.S. Publication No. 2002/0175522 (Wacknov et al.) as prior art in 35 U.S.C. §103(a) rejections. It should be noted, that these applications are not prior art. The Applicant's invention was invented prior to the filing of these applications, as well.

Declaration

As proof that Applicant's invention was invented prior to the filing dates of the above-noted references, Applicant submitted a declaration under 37 C.F.R. §1.131 with the response dated August 6, 2008. In the present Action, the Examiner deems the declaration as ineffective because the evidence submitted was insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective filing date of Rajagopalan.

In particular, the Examiner found the evidence insufficient because despite the submission of various letters and a front page of a disclosure submitted on September 9, 2000, there was little evidence of reduction to practice, i.e. drawings, etc.

In response, Applicant now submits a copy of the full invention disclosure submitted on September 9, 2000 to the Manager of Patents and Licensing at Electric Power Research Institute, Inc. (EPRI), Exhibit A. Accordingly, Applicant now believes that sufficient evidence has been submitted to prove that the Applicant's invention was invented prior to the filing dates of the above-noted references.

ANTICIPATION

Claims 1, 2, 4, 6-10, 12, 13, 17, and 19-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0160514 (Rajagopalan). Claims 22, 24-27, and 29 have been rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Publication No. 2004/0084965 (Welches et al.).

As discussed above, Rajagopalan and Welches et al. are not prior art. A declaration under 37 C.F.R. §1.131 was previously submitted and a full copy of the invention disclosure submitted on September 9, 2000 is submitted herewith as proof. Thus, the rejections should be withdrawn with respect to the above claims.

OBVIOUSNESS

Claims 5, 11 and 14-16

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,198,176 (Gillette). Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Publication No. 2003/0229423 (Andarawis et al.). Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,392,856 (Kehril et al.). Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Publication No. 2002/0175522 (Wacknov et al.). Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,134,124 (Jungreis et al.). These rejections are respectfully traversed.

The Examiner uses Rajagopalan in each of the above rejections. As discussed above, Rajagopalan is not prior art. In addition, claims 5, 11 and 14-16 all depend from independent claim 1. Further, Andarawis et al. and Wacknov et al. are not prior art. Thus, the rejections should be withdrawn with respect to the above claims.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1, 2, 4-17, 19-22, 24-27, and 29 at an early date is solicited.

If any fees are due in connection with this paper, the Director is authorized to charge them, or credit any overpayments, to Deposit Account No. 50-4137.

Application No. 10/729,428
Response Date: February 23, 2009
Reply to Office Action of December 9, 2008
Page 13

Respectfully submitted,
/Brandon C. Trego/
Brandon C. Trego
Registration No. 53,702

Trego, Hines & Ladenheim, PLLC
9300 Harris Corners Parkway, Suite 210
Charlotte, North Carolina 28269
Tel. 704-599-8911
Fax: 704-599-8719
e-mail: bct@thi-iplaw.com
File No. 1036/3US